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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,273	09/26/2003	Christopher Schura	NC 84926	8817

7590 12/17/2004

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,273

Applicant(s)

SCHURA, CHRISTOPHER

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear in claims 1-12 whether or not applicant intends to claim the combination of the mounting system with the shelter and transport devise. The preamble of the claims 1 and 6 sets forth a mounting system with the intended use for a shelter. However, the body of the claims recites relative connection of the claimed mounting system with not claimed the shelter. As such, examiner has taken the position that applicant is only claiming the mounting system in combination with the understructure. Applicant's intended use of a shelter, a transport devise has not been accorded patentable weight. Further, regarding claim 6, line 3, "the angle assembly comprises" is vague and indefinite as it is not clear whether applicant means each one of the angle assembly or just one of the angle assembly.

If applicant intends to claim shelter as an intended use, examiner suggest replacing "mountable" with - - for mounting - - throughout the claims. Further, claim 8, "a shape corresponding", examiner suggests - - a shape adapted to correspond - -. Claim 11, line 2, "mounting holes that secure the shelter", examiner suggest - - adapted for securing the shelter --.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US patent no. 4,723,752). Thomas discloses a mounting system having two angle assemblies (26, figure 1) mounted on either side, wherein each angle assembly comprises bottom base plate (34, figure 2), side base plate (48, 50), fitting assembly comprising a base plate (28, figure 2) attached to bottom base plate (34), side plate (52, 54) attached to the side base plate (48, 50) and a stiffener brace (32, figure 2) connecting the base plate to the side plate with a stiffener cross bar (screw 74) attached thereto communicating with a lug stiffener interface (hole engage with screw 74).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin (US patent no. 5,285,604) in view of Riech (US publication no. 2001/0037615A1) and further in view of Thomas. Carlin discloses a shelter mounted on supporting understructure of the pallet type (100) with forklift channels (94, figure 7) mountable on

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a transport device. However, Carlin does not disclose the use of an angle assembly to mount the shelter onto the understructure. Using angle assemblies to mount shelter to its structure is old and well-known in the art. Such angled brackets are known to be low cost in manufacturing and provide quick mounting at a desire location around the shelter. Reich teaches a shelter (12) mounted on an understructure having using plurality of angled assemblies (36) having base plate (31) and side plate (32) at right angles to the base plate (31) and having mounting holes (38) to secure the shelter to the understructure. It would have been obvious to one of ordinary skill in the art to have mounted Carlin's shelter via angle assemblies as taught by Riech to provide a quick mounting of at a low cost as is known in the art. However, Carlin and Riech combined does not show the angled assemblies having pivoting base plate and side plate with fitting assembly as claimed. Thomas teaches a mounting system having two angle assemblies (26, figure 1) mounted on either side, wherein each angle assembly comprises bottom base plate (34, figure 2), side base plate (48, 50), fitting assembly comprising a base plate (28, figure 2) attached to bottom base plate (34), side plate (52, 54) attached to the side base plate (48, 50) and a stiffener brace (32, figure 2) connecting the base plate to the side plate with a stiffener cross bar (screw 74) attached thereto communicating with a lug stiffener interface (hole engage with screw 74).

It would have been obvious to one of ordinary skill in the art to have modify the angle assembly of Carlin and Riech combined such that it is pivotable with a supporting brace as taught by Thomas to facilitate collapsibility for compactness during storage.

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Regarding claim 9, it would have been an obvious matter of design choice to make the mounting assembly of aircraft grade material.

Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leggett, Sr., Redding et al, Jennings, Fitzgerald, Colatruglio, and Lindgren teach collapsible angle assemblies. Waterman et al, Couse et al, Weidner, and European patent teach shelters secured on a structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
December 13, 2004